



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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August 15, 2003

## POLICY BRANCH INFORMATION

### Satellite Applications Accepted for Filing

**INTELSAT NORTH AMERICA LLC, LORAL SATELLITE, INC. (DEBTOR-IN-POSSESSION), LORAL SPACECOM CORPORATION (DEBTOR-IN-POSSESSION) AND LORAL SPACE & COMMUNICATIONS LTD. (DEBTOR-IN-POSSESSION) SEEK APPROVAL TO ASSIGN CERTAIN SPACE STATION AUTHORIZATIONS HELD BY LORAL SATELLITE, INC. (DEBTOR-IN-POSSESSION) AND LORAL SPACECOM CORPORATION (DEBTOR-IN-POSSESSION) TO INTELSAT NORTH AMERICA LLC**

### Report No. SPB-191

The application for assignment of the authorizations and applications referenced herein has, upon initial review, been accepted for filing. The Commission reserves the right to return this application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules, regulations, or policies. Petitions, oppositions and other pleadings filed in response to this notice should conform to Section 25.154 of the Commission's rules, 47 C.F.R. § 25.154.

File No. SAT-ASG-20030728-00138

Licensee: Loral SpaceCom Corporation (Debtor-in-Possession)

Call Signs: S2160 (Telstar 4); S2154 (Telstar 5); and T-402 (Telstar 8)

File No. SAT-ASG-20030728-00139

Licensee: Loral Satellite (Debtor-in-Possession)

Call Signs: S2159 (Telstar 6); and T-403 (Telstar 7)

On July 28, 2003, Intelsat North America LLC ("Intelsat"), Loral Satellite, Inc. (Debtor-in-Possession) ("Loral Satellite"), Loral SpaceCom Corporation (Debtor-in-Possession) ("Loral SpaceCom"), and Loral Space & Communications Ltd. (Debtor-in-Possession) ("Loral Ltd.") (collectively, "the Applicants") submitted a joint application to the Commission seeking consent to the assignment of certain non-common carrier space station authorizations and applications held by Loral Satellite and Loral SpaceCom to Intelsat ("Assignment Application"). The space station authorizations subject to assignment are Telstar 6 and Telstar 7, held by Loral Satellite; and Telstar 4, Telstar 5, and Telestar 8, held by Loral SpaceCom. The Applicants state that these space station authorizations are used almost entirely for U.S. domestic satellite services. In addition, the Applicants request that the Commission, in acting on the Assignment

Application, include authority for assignment to Intelsat of any authorization issued to Loral Satellite or Loral SpaceCom with respect to the above-mentioned satellites during the pendency of this proceeding or during the period required for consummation following any Commission approval, as well as any applications or other filings that have been filed and are pending at the time of consummation of the proposed assignment. In particular, the Applicants note that current pending requests include the milestone extension and associated waiver request for Telstar 8 (File No. SAT-MOD-20030507-00097).

The proposed transaction involves four operational satellites that serve the U.S. market – Telstar 4, 5, 6, and 7; and two additional, nearly completed satellites that are also intended to serve the U.S. market – Telstar 8 and 13. [Telstar 13, licensed by Papua New Guinea, is on the Commission’s Permitted Space Station List and is not included in the instant Assignment Application. The Applicants state that at the appropriate time when the proposed transaction is consummated, Intelsat will notify the Commission of modifications to the Permitted Space Station List parameters pursuant to the Commission’s recent rulemaking. See *In re Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 10760, paras. 315-316 (2003)]. The satellites subject to the instant Assignment Application currently operate, or will operate, in the 77 degree WL, 89 degree WL, 93 degree WL, 97 degree WL, 121 degree WL, and 129 WL orbital locations – all of which are capable of serving the continental United States (CONUS).

## THE APPLICANTS

Loral Satellite and Loral SpaceCom are both U.S. companies and wholly owned subsidiaries of Loral Space & Communications Corporation (Debtor-in-Possession), also a U.S. company, which is a wholly owned subsidiary of Loral Ltd., a Bermuda-based, publicly held company. Loral Ltd., through its various subsidiaries and affiliates, is engaged in the satellite services and manufacturing businesses, and its subsidiaries and affiliates hold numerous Commission licenses, including space station and earth station authorizations. On July 15, 2003, Loral Ltd. and certain of its affiliates, including Loral SpaceCom and Loral Satellite, filed in the United State Bankruptcy Court for the Southern District of New York voluntary cases under Chapter 11 of Title 11 of the United States Code. The Commission subsequently granted the pro forma transfer of control from the various Loral affiliates (including Loral SpaceCom and Loral Satellite) to these same affiliates as debtors-in-possession on August 14, 2003. See “stamp-grant by Jennifer M. Gilsean, File Nos. SAT-ASG-20030725-00145; SAT-ASG-20030725-00146; SAT-ASG-20030725-00147 and SAT-ASG-20030725-00148, dated August 14, 2003. Except for the assets at issue in the instant Assignment Application, Loral Ltd.’s U.S.-based affiliates will continue to hold Commission space station and earth station authorizations, and intends to reorganize around its remaining satellite fleet, allowing Loral Ltd. to continue to operate its satellite business.

Intelsat North America LLC is a Delaware limited liability company with a holding company ownership structure. Intelsat North America LLC is wholly owned and controlled by Intelsat LLC, a Delaware limited liability company, which, in turn, is wholly owned and controlled by Intelsat Holdings LLC, a Delaware limited liability company. Intelsat Holdings LLC is wholly owned by Intelsat (Bermuda), Ltd., a company incorporated under the laws of Bermuda. Intelsat (Bermuda), Ltd. is wholly owned by Intelsat, Ltd., also a company incorporated under the laws of Bermuda.

## EX PARTE STATUS OF THIS PROCEEDING

The Applicants request that this proceeding be designated “permit but disclose” under the Commission’s rules governing ex parte communications. They state that such designation would serve the public interest by facilitating the development of a complete record upon which a well-reasoned decision can be made. We will treat this proceeding as “permit but disclose” for purposes of the Commission’s ex parte rules. See generally 47 C.F.R. Sections 1.1200-1.1216. Should circumstances warrant, this proceeding or any related proceeding may be designated as restricted. As a “permit but disclose” proceeding, ex parte presentations

will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.

Parties making oral ex parte presentations are directed to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. Section 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b).

#### GENERAL INFORMATION

The Assignment Application is on file with the Commission and can be reviewed by interested parties at the main Reference Center, Federal Communications Commission 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. Final action will not be taken on this application earlier than 31 days following the date of this Notice. Interested parties may file comments as indicated above. Parties submitting paper filings must file an original and four (4) copies of all pleadings, in accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. Section 1.51(c), with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554. All filings sent to the Commission by overnight delivery (e.g. Federal Express), must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20023. All hand-delivered or messenger-delivered filings must be delivered to the Commission's filing location in downtown Washington D.C. at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002-4913. The filing hours at this facility are 8:00 a.m. to 7:00 p.m. Parties submitting paper filings must also send a courtesy copy of their filing to JoAnn Lucanik, Associate Division Chief, Satellite Division, International Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 6-A660, Washington, D.C. 20554, and Jennifer Gilsenan, Associate Division Chief, Satellite Division, International Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 6A520, Washington, D.C. 20554. In addition, one electronic copy via e-mail of any paper filing or ex parte submission should be sent to [JoAnn.Lucanik@fcc.gov](mailto:JoAnn.Lucanik@fcc.gov) and [Jennifer.Gilsenan@fcc.gov](mailto:Jennifer.Gilsenan@fcc.gov).

In addition, parties must serve the following entity with either one electronic copy via e-mail or two paper copies of each pleading or ex parte submission: Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or email at [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, contact JoAnn Lucanik or Jennifer Gilsenan of the Satellite Division, International Bureau at (202) 418-0719.